



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Stanley J. Checketts  
Serial No.: 09/923,269  
Filed: 08/03/2001  
For: Amusement Ride with Cable-launched Carrier  
Confirmation No.: 2507  
Group Art Unit: 3712  
Examiner: Kien T. Nguyen  
Customer No.: 31198  
Attorney Docket No.: PSSAIR

Mail Stop Appeal Brief-Patents  
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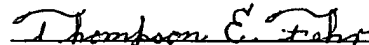
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Date of Deposit: May 10, 2004

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Transmittal of Appeal Brief

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TRANSMITTAL OF APPEAL BRIEF (PATENT APPLICATION-37 CFR 192)

1. Transmitted herewith in triplicate is the APPEAL BRIEF in this application with respect to the Notice of Appeal filed on November 10, 2003.

2. STATUS OF APPLICANT

This application is on behalf of a small entity.

The verified statement of small entity status has already been filed.

3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 CFR 1.17(c) the fee for filing the Appeal Brief is \$165.00.

05/13/2004 SSITHIB1 00000074 09923269

Appeal Brief fee due \$165.00.

02 FC:2254

740.00 OP

4. EXTENSION OF TERM

The proceedings herein are for a patent application, and the provisions of 37 CFR 1.136 apply.

Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)(1)-(5)) for a total of four months. The requisite fee for a small entity is \$740.00.

Fee \$740.00

5. TOTAL FEE DUE

The total fee due is

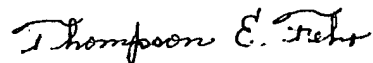
Appeal brief fee \$165.00

Extension fee \$740.00

TOTAL FEE DUE \$905.00

6. Attached is a check in the sum of \$905.00.

DATED this 10<sup>th</sup> day of May, 2004.



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**APPELLANT'S BRIEF (37 CFR 1.192)**

This brief is in furtherance of the Notice of Appeal filed in this case on November 10, 2003.

The fees required under § 1.17(a) and any required petition for extension of time for filing this brief and fees therefor are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief is transmitted in triplicate (37 CFR 1.192(a)).

05/13/2004 SSITHIB1 00000074 09923269

01 FC:2402

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This brief contains the following items, under headings of the same name and in the order

given:

REAL PARTY IN INTEREST  
RELATED APPEALS AND INTERFERENCES  
STATUS OF CLAIMS  
STATUS OF AMENDMENTS  
SUMMARY OF INVENTION  
ISSUES  
GROUPING OF CLAIMS  
ARGUMENT  
Rejections under 35 U.S.C. 103  
APPENDIX OF CLAIMS INVOLVED IN THE APPEAL

The final page of this brief bears the attorney's signature.

## REAL PARTY IN INTEREST

The real party in interest is Stanley J. Checketts.

## RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellants or Appellants' legal representative which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

## STATUS OF CLAIMS

Claims 1 through 85 were in the original Application and are currently pending.

The claims being appealed are claims 1, 6 through 9, 14 through 17, 34 through 49, 51, and 68 through 83.

## STATUS OF AMENDMENTS

Concurrently with this appeal and Amendment has been filed canceling all rejected claims and amending claims that the Examiner has indicated would be allowable if amended to include all the limitations of the base claim and any intervening claims.

## SUMMARY OF INVENTION

The invention is summarized on page 5 of the Application:

The present invention utilizes cables suspended from a multitude of towers, preferably an odd number of towers and most preferably three towers, to raise a carrier for passengers.

Any means for causing the end of a cable attached to the carrier to move in a desired direction that is known in the art may be employed. This includes, but is not necessarily limited to, a high-speed winch or a fluid-powered cylinder. The propulsive force may be applied to the cable either at the end of the cable

other than the end which is attached to the carrier or, preferably, at a point intermediate between the ends of the cable.

At least the upper portion at least one of the towers and, preferably, all of the towers is flexible. Movement of the towers in response to acceleration of the carrier cushions the carrier and, consequently, participants on the carrier.

Preferably, but not necessarily, the carrier has one or more controllably rotatable seats.

Also preferably, but not necessarily, participant are held to their seats with harnesses attached to one or more serrated rods, wherein each serrated rod is inserted into an aperture of a directionally biased block.

And, optionally, a device for maintaining tension in a cable is employed for the cables.

## ISSUES

There are two issues in this appeal.

The first issue is whether claims 1, 6 through 9, and 14 through 16 are patentable or anticipated by Balwanz (United States patent no. 5,649,866).

The second issue is whether claims 17, 34 through 49, 51, and 68 through 83 are patentable or unpatentable over Balwanz (United States patent no. 5,649,866) in view of Checketts (United States patent no. 5,704,841).

## GROUPING OF CLAIMS

Appellant does not contend that, for each ground of rejection being contested, the claims of the group do not stand or fall together.

## ARGUMENT

### Rejections under 35 U.S.C. § 102

The Examiner has rejected 1, 6 through 9, and 14 through 16 as being anticipated by Balwanz (United States patent no. 5,649,866).

All claims in the Application, however, include the limitation that at least one of the towers has a flexible upper portion. The drawings in Balwanz demonstrate that the upper portion of the towers in Balwanz cannot be flexible because they are constructed using structural members in a triangular shape, which is known to be the most resistive of all shapes to deformation.

Therefore Balwanz cannot anticipate the cited claims.

### Rejections under 35 U.S.C. § 103

Also for this reason, Balwanz cannot be combined with Checketts (United States patent no. 5,704,841) to render claims 17, 34 through 49, 51, and 68 through 83 obvious.



APPENDIX  
OF  
CLAIMS INVOLVED IN THE APPEAL

The claims are as follows:

1           1.       An amusement ride with cable-launched carrier, which comprises:  
2                   one or more towers with at least one of said towers having a flexible upper  
3           portion;  
4                   a cable suspended from each tower, said cable having a first end and a second  
5           end;  
6                   a carrier for one or more participants attached to the second end of said cable; and  
7                   a means for propelling said carrier, said means for propelling being attached to  
8           said cable other than at the second end of said cable.

1           2.       The amusement ride with cable-launched carrier as recited in claim 1, further  
2   comprising:  
3                   a controllably rotatable seat attached to said carrier.

1           3.       The amusement ride with cable-launched carrier as recited in claim 2, further  
2   comprising:  
3                   a harness attached to a locking apparatus connected to said carrier.

1           4.       The amusement ride with cable-launched carrier as recited in claim 3, further  
2   comprising:  
3                   a device for maintaining tension in said cable attached to said cable.

1           5.       The amusement ride with cable-launched carrier as recited in claim 2, further  
2   comprising:  
3                   a device for maintaining tension in said cable attached to said cable.

1           6.     The amusement ride with cable-launched carrier as recited in claim 1, further  
2 comprising:

3           a harness attached to a locking apparatus connected to said carrier.

1           7.     The amusement ride with cable-launched carrier as recited in claim 6, further  
2 comprising:

3           a device for maintaining tension in said cable attached to said cable.

1           8.     The amusement ride with cable-launched carrier as recited in claim 1, further  
2 comprising:

3           a device for maintaining tension in said cable attached to said cable.

1           9.     The amusement ride with cable-launched carrier as recited in claim 1, wherein:  
2           the means for propelling said carrier is a high-speed winch.

1           10.    The amusement ride with cable-launched carrier as recited in claim 9, further  
2 comprising:

3           a controllably rotatable seat attached to said carrier.

1           11.    The amusement ride with cable-launched carrier as recited in claim 10, further  
2 comprising:

3           a harness attached to a locking apparatus connected to said carrier.

1           12.    The amusement ride with cable-launched carrier as recited in claim 11, further  
2 comprising:

3           a device for maintaining tension in said cable attached to said cable.

1           13.    The amusement ride with cable-launched carrier as recited in claim 10, further  
2 comprising:

3           a device for maintaining tension in said cable attached to said cable.

1           14.    The amusement ride with cable-launched carrier as recited in claim 9, further  
2 comprising:

3           a harness attached to a locking apparatus connected to said carrier.

1           15.    The amusement ride with cable-launched carrier as recited in claim 14, further  
2 comprising:

3           a device for maintaining tension in said cable attached to said cable.

1           16.    The amusement ride with cable-launched carrier as recited in claim 9, further  
2 comprising:

3           a device for maintaining tension in said cable attached to said cable.

1           17.    The amusement ride with cable-launched carrier as recited in claim 1, wherein:  
2 the means for propelling said carrier comprises:

3           a fluid-powered cylinder, which comprises:

4           a cylinder having an aperture in a first end and an aperture in a  
5 second end of said cylinder and also having a side and an interior;

6           a piston slidably mounted within said cylinder;

7           a continuous cable, said continuous cable passing through the  
8 aperture in the first end of the cylinder and the aperture in the second end  
9 of the cylinder and said continuous cable being attached to said piston; and

10          a valve for injecting the fluid to propel the piston, said valve being  
11 near the first end of said cylinder.

1           18.    The amusement ride with cable-launched carrier as recited in claim 17, further  
2 comprising:

3           a controllably rotatable seat attached to said carrier.

- 1           19.     The amusement ride with cable-launched carrier as recited in claim 18, further  
2 comprising:  
3                 a harness attached to a locking apparatus connected to said carrier.
- 1           20.     The amusement ride with cable-launched carrier as recited in claim 19, further  
2 comprising:  
3                 a device for maintaining tension in said cable attached to said cable.
- 1           21.     The amusement ride with cable-launched carrier as recited in claim 20, further  
2 comprising:  
3                 a descent valve communicating with the interior of said cylinder.
- 1           22.     The amusement ride with cable-launched carrier as recited in claim 21, further  
2 comprising:  
3                 an aperture in the side of said cylinder.
- 1           23.     The amusement ride with cable-launched carrier as recited in claim 20, further  
2 comprising:  
3                 an aperture in the side of said cylinder.
- 1           24.     The amusement ride with cable-launched carrier as recited in claim 19, further  
2 comprising:  
3                 a descent valve communicating with the interior of said cylinder.
- 1           25.     The amusement ride with cable-launched carrier as recited in claim 24, further  
2 comprising:  
3                 an aperture in the side of said cylinder.

1           26.    The amusement ride with cable-launched carrier as recited in claim 19, further  
2 comprising:

3                   an aperture in the side of said cylinder.

1           27.    The amusement ride with cable-launched carrier as recited in claim 18, further  
2 comprising:

3                   a device for maintaining tension in said cable attached to said cable.

1           28.    The amusement ride with cable-launched carrier as recited in claim 27, further  
2 comprising:

3                   a descent valve communicating with the interior of said cylinder.

1           29.    The amusement ride with cable-launched carrier as recited in claim 28, further  
2 comprising:

3                   an aperture in the side of said cylinder.

1           30.    The amusement ride with cable-launched carrier as recited in claim 27, further  
2 comprising:

3                   an aperture in the side of said cylinder.

1           31.    The amusement ride with cable-launched carrier as recited in claim 18, further  
2 comprising:

3                   a descent valve communicating with the interior of said cylinder.

1           32.    The amusement ride with cable-launched carrier as recited in claim 31, further  
2 comprising:

3                   an aperture in the side of said cylinder.

- 1           33.    The amusement ride with cable-launched carrier as recited in claim 18, further  
2 comprising:  
3                   an aperture in the side of said cylinder.
- 1           34.    The amusement ride with cable-launched carrier as recited in claim 17, further  
2 comprising:  
3                   a harness attached to a locking apparatus connected to said carrier.
- 1           35.    The amusement ride with cable-launched carrier as recited in claim 34, further  
2 comprising:  
3                   a device for maintaining tension in said cable attached to said cable.
- 1           36.    The amusement ride with cable-launched carrier as recited in claim 35, further  
2 comprising:  
3                   a descent valve communicating with the interior of said cylinder.
- 1           37.    The amusement ride with cable-launched carrier as recited in claim 36; further  
2 comprising:  
3                   an aperture in the side of said cylinder.
- 1           38.    The amusement ride with cable-launched carrier as recited in claim 35, further  
2 comprising:  
3                   an aperture in the side of said cylinder.
- 1           39.    The amusement ride with cable-launched carrier as recited in claim 34, further  
2 comprising:  
3                   a descent valve communicating with the interior of said cylinder.

1           40.     The amusement ride with cable-launched carrier as recited in claim 39, further  
2 comprising:

3                   an aperture in the side of said cylinder.

1           41.     The amusement ride with cable-launched carrier as recited in claim 34, further  
2 comprising:

3                   an aperture in the side of said cylinder.

1           42.     The amusement ride with cable-launched carrier as recited in claim 17, further  
2 comprising:

3                   a device for maintaining tension in said cable attached to said cable.

1           43.     The amusement ride with cable-launched carrier as recited in claim 42, further  
2 comprising:

3                   a descent valve communicating with the interior of said cylinder.

1           44.     The amusement ride with cable-launched carrier as recited in claim 43; further  
2 comprising:

3                   an aperture in the side of said cylinder.

1           45.     The amusement ride with cable-launched carrier as recited in claim 42, further  
2 comprising:

3                   an aperture in the side of said cylinder.

1           46.     The amusement ride with cable-launched carrier as recited in claim 17, further  
2 comprising:

3                   a descent valve communicating with the interior of said cylinder.

1           47.     The amusement ride with cable-launched carrier as recited in claim 46, further  
2 comprising:

3 an aperture in the side of said cylinder.

1 48. The amusement ride with cable-launched carrier as recited in claim 17, further  
2 comprising:

3 an aperture in the side of said cylinder.

1 49. The amusement ride with cable-launched carrier as recited in claim 17, wherein:  
2 the first end of said cable is connected to said continuous cable.

1 50. The amusement ride with cable-launched carrier as recited in claim 17, further  
2 comprising:

3 a slide through which said cable moves substantially freely;

4 a transfer cable having a first end connected to said continuous cable and a second  
5 end connected to said slide; and wherein:

6 the first end of said cable is attached to a structure which will hold the first end of  
7 said cable substantially stationary.

1 51. The amusement ride with cable-launched carrier as recited in claim 1, wherein:  
2 the means for propelling said carrier comprises:

3 a fluid-powered cylinder, which comprises:

4 a cylinder having an aperture in a first end and also having a side  
5 and an interior;

6 a piston slidably mounted within said cylinder and available for  
7 connection to a cable; and

8 a valve for injecting the fluid to propel the piston, said valve being  
9 near the first end of said cylinder.



1           52.    The amusement ride with cable-launched carrier as recited in claim 51, further  
2 comprising:

3                   a controllably rotatable seat attached to said carrier.

1           53.    The amusement ride with cable-launched carrier as recited in claim 52, further  
2 comprising:

3                   a harness attached to a locking apparatus connected to said carrier.

1           54.    The amusement ride with cable-launched carrier as recited in claim 53, further  
2 comprising:

3                   a device for maintaining tension in said cable attached to said cable.

1           55.    The amusement ride with cable-launched carrier as recited in claim 54, further  
2 comprising:

3                   a descent valve communicating with the interior of said cylinder.

1           56.    The amusement ride with cable-launched carrier as recited in claim 55, further  
2 comprising:

3                   an aperture in the side of said cylinder.

1           57.    The amusement ride with cable-launched carrier as recited in claim 54, further  
2 comprising:

3                   an aperture in the side of said cylinder.

1           58.    The amusement ride with cable-launched carrier as recited in claim 53, further  
2 comprising:

3                   a descent valve communicating with the interior of said cylinder.

1           59.    The amusement ride with cable-launched carrier as recited in claim 58, further  
2 comprising:

3                   an aperture in the side of said cylinder.

1           60.    The amusement ride with cable-launched carrier as recited in claim 53, further  
2 comprising:

3                   an aperture in the side of said cylinder.

1           61.    The amusement ride with cable-launched carrier as recited in claim 52, further  
2 comprising:

3                   a device for maintaining tension in said cable attached to said cable.

1           62.    The amusement ride with cable-launched carrier as recited in claim 61, further  
2 comprising:

3                   a descent valve communicating with the interior of said cylinder.

1           63.    The amusement ride with cable-launched carrier as recited in claim 62, further  
2 comprising:

3                   an aperture in the side of said cylinder.

1           64.    The amusement ride with cable-launched carrier as recited in claim 61, further  
2 comprising:

3                   an aperture in the side of said cylinder.

1           65.    The amusement ride with cable-launched carrier as recited in claim 52, further  
2 comprising:

3                   a descent valve communicating with the interior of said cylinder.

1           66.    The amusement ride with cable-launched carrier as recited in claim 65, further  
2 comprising:

3                   an aperture in the side of said cylinder.

1           67.    The amusement ride with cable-launched carrier as recited in claim 52, further  
2 comprising:

3                   an aperture in the side of said cylinder.

1           68.    The amusement ride with cable-launched carrier as recited in claim 51, further  
2 comprising:

3                   a harness attached to a locking apparatus connected to said carrier.

1           69.    The amusement ride with cable-launched carrier as recited in claim 68, further  
2 comprising:

3                   a device for maintaining tension in said cable attached to said cable.

1           70.    The amusement ride with cable-launched carrier as recited in claim 69, further  
2 comprising:

3                   a descent valve communicating with the interior of said cylinder.

1           71.    The amusement ride with cable-launched carrier as recited in claim 70, further  
2 comprising:

3                   an aperture in the side of said cylinder.

1           72.    The amusement ride with cable-launched carrier as recited in claim 69, further  
2 comprising:

3                   an aperture in the side of said cylinder.

1           73.    The amusement ride with cable-launched carrier as recited in claim 68, further  
2 comprising:

3                   a descent valve communicating with the interior of said cylinder.

1           74.    The amusement ride with cable-launched carrier as recited in claim 73, further  
2 comprising:

3                   an aperture in the side of said cylinder.

1           75.    The amusement ride with cable-launched carrier as recited in claim 68, further  
2 comprising:

3                   an aperture in the side of said cylinder.

1           76.    The amusement ride with cable-launched carrier as recited in claim 51, further  
2 comprising:

3                   a device for maintaining tension in said cable attached to said cable.

1           77.    The amusement ride with cable-launched carrier as recited in claim 76, further  
2 comprising:

3                   a descent valve communicating with the interior of said cylinder.

1           78.    The amusement ride with cable-launched carrier as recited in claim 77, further  
2 comprising:

3                   an aperture in the side of said cylinder.

1           79.    The amusement ride with cable-launched carrier as recited in claim 76, further  
2 comprising:

3                   an aperture in the side of said cylinder.

1           80.    The amusement ride with cable-launched carrier as recited in claim 51, further  
2 comprising:

3                   a descent valve communicating with the interior of said cylinder.

1           81.    The amusement ride with cable-launched carrier as recited in claim 80, further  
2 comprising:

3                   an aperture in the side of said cylinder.

1           82.    The amusement ride with cable-launched carrier as recited in claim 51, further  
2 comprising:

3                   an aperture in the side of said cylinder.

1           83.    The amusement ride with cable-launched carrier as recited in claim 51, wherein:  
2                   the first end of said cable is connected to said piston after the first end of said  
3 cable has passed through the aperture in the first end of the cylinder.

1           84.    The amusement ride with cable-launched carrier as recited in claim 51, further  
2 comprising:

3                   a slide through which said cable moves substantially freely;

4                   a transfer cable having a first end connected to said piston and a second end  
5 connected to said slide; and wherein:

6                   the first end of said cable is attached to a structure which will hold the first end of  
7 said cable substantially stationary.

1           85.    An amusement ride with cable-launched carrier, which comprises:

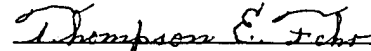
2                   three towers with at least one of said towers having a flexible upper portion;

3                   a cable suspended from each tower, each of said cables having a first end and a  
4 second end;

5 a carrier for one or more participants attached to the second ends of said cables;  
6 a fluid-powered cylinder, comprising:  
7 a cylinder having an aperture in a first end and also having a side  
8 and an interior;  
9 a piston slidably mounted within said cylinder and available for  
10 connection to a cable; and  
11 a valve for injecting the fluid to propel the piston, said valve being near  
12 the first end of said cylinder, wherein said cylinder is oriented with the valve  
13 downward;  
14 a slide through which said cable moves substantially freely;  
15 a transfer cable having a first end connected to said piston and a second end  
16 connected to said slide;  
17 a pulley around which the transfer cable bends between said cylinder and said  
18 slide so that said transfer cable travels upward before connecting to said slide;  
19 another pulley around which said cable passes between said slide and the first  
20 end of said cable;  
21 a controllably rotatable seat attached to said carrier;  
22 a harness attached to a locking apparatus connected to said carrier;  
23 a pressurizable cylinder connected to an object which is so heavy that movement  
24 of the carrier will not appreciably move the object, said pressurizable cylinder having a  
25 piston slidably mounted within the cylinder and attached to the first end of said cable,  
26 said pressurizable cylinder also having an aperture for connection to a source of  
27 compressed fluid near an end of said cylinder, and said pressurizable cylinder having an

28           aperture in that end of the pressurizable cylinder to allow said cable to pass through the  
29           end of the pressurizable cylinder;  
30           a descent valve communicating with the interior of said cylinder;  
31           an aperture in the side of said cylinder; and wherein:  
32                     the first end of said cable is attached to a structure which will hold the first  
33           end of said cable substantially stationary.

DATED this 10<sup>th</sup> day of May, 2004.



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